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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/200,985	11/30/1998	MICHELLE Y. KIM	YO9-98-446	1001

7590 06/02/2005

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/200,985

Applicant(s)

KIM ET AL.

Examiner

Maikhanh Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 4 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The action is responsive to communications: RCE filed 05/18/2005 to the application filed on 11/03/1998.
2. Claims 1-7 are currently pending in this application. Claim 1 has been amended. Claims 3-4 are allowed. Claims 1 and 3 are independent claims.

Request Continuation for Examination

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/18/2005 has been entered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase “a preferred duration” (claim 2, line 7) is vague and indefinite.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 5-7 remain rejected under 35 U.S.C. 103(a) as being unpatentable over **Kim et al.** (U.S. 5,659,790 – filed 02/1995) in view of **Graf** (U.S. 6,397,251 – filed 01/1993) and further in view of **Zarros** (U.S. 5,682,384 – filed 10/1995).

As to independent claim 1:

- a. Kim teaches a method of progressive time stamp (*ranges of time intervals; col.2, lines 1-25*) resolution in a multimedia presentation (*multimedia presentation; col.2, lines 1-25*) comprising the steps of:
- (i) supplying a player (*user interactive screen; col. 5, lines 41-67*) of a multimedia presentation (*multimedia presentation; col.2, lines 1-25*) with

information comprising two labels, one for a multimedia object's *(multimedia objects; col.4, lines 48-64)* start time *(the process starts; col.6, lines 3-12)* and one for the multimedia object's *(multimedia objects; col.4, lines 48-64)* end time *(process ends; col.6, lines 54-63)* relative to other multimedia object start and stop times *(temporal relations; col.5, lines 1-67)*, and three durations *(time durations; col.5, lines 1-67)*, a minimum duration *(a minimum length; col.4, lines 1-41)*, a maximum duration *(a maximum length; col.4, lines 1-41)* and a preferred duration *(an optimum length; col.4, lines 1-41)* for each multimedia object prior to start playback *(playback; col.3, lines 40-48)* of the multimedia object.

- b. Kim does teach **actual** multimedia object durations of multimedia objects *(each multimedia object is associated with a triple of lengths: a minimum length ...a maximum length ...and an optimum length; col.4, lines 3-8 / Time is an essential dimension in a multimedia system. It often provides the basis measure for multimedia objects; col.4, lines 47-62)*, but is silent on "resolving the durations of multimedia objects using the information based on actual multimedia object durations and **actual delayed arrival time** of information of multimedia objects to be played, the **actual delayed arrival time** being an absolute difference between a known duration and the preferred duration of the multimedia objects."
- c. Graf teaches resolving the durations of multimedia objects using the information based on actual multimedia object durations and delayed arrival time of information of multimedia objects to be played *(providing an additional time*

delay for the presentation of a multimedia file in order to account for the delayed arrival of frames at the receiver due to the spreading of the transmission of the frames over time... The time delay can be simply adapted to other features of the underlying network... The relationship between additional time delay and transmission rate can be calculated; col.4, lines 15-53/ the arrival of the information at the receiver is delayed; col.5, lines 49-56).

Accordingly, Graf teaches pre-calculated delayed arrival time, **not actual** delayed arrival time.

- d. It would have been obvious to a person of ordinary skill in the art at the time the invention was made combine the teachings of Graf and Kim because Graf's teaching would have provided the enhanced capability for producing the schedule for transmission of the video file that prevents buffer underflow or overflow in the receiver.
- e. The combination of Kim and Graf does not explicitly teach "*the actual delayed arrival time of information, the actual delayed arrival time being an absolute difference between a known duration and the preferred duration of the multimedia objects.*"
- f. Zarros teaches actual delay arrival time of information (*the actual transmission period of the sender as seen with the receiver's clock... The average delay time packets experience to arrive at the receiver from the sender ...exactly the average delay D could be found ... the actual arrival time; col.5, lines 19-46 and Fig.3*), the actual delayed arrival time being an absolute difference between a known

duration and the preferred duration of the multimedia objects (*col.14, lines 26-52*).

- g. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Zarros's teachings in the system of Kim as modified by Graf because Zarros's teaching would have provided the enhanced capability for dealing with packets arriving from other participants in real time.

As to dependent claim 2:

Kim teaches calculating minimum and maximum end times for over all multimedia objects (*the different between the specified optimal play duration of the episode and the schedule play duration; col.6, lines 40-63*); calculating actual end times that are shared by all multimedia objects (*get the global minimum and maximum lengths; col.6, lines 23-28*); and recalculating a preferred duration of each multimedia object (*the schedule for the multimedia story is output and the multimedia document is run according to the schedule in output block; col.6, lines 58-63*).

As to dependent claim 5:

Kim teaches playing the each multimedia object (*multimedia objects in a story are viewed... which they play; col.3, lines 55-67*).

As to dependent claim 6:

Kim teaches the multimedia object durations are larger than a preferred duration (*various times and with differing time durations; col.5, lines 23-41*).

As to dependent claim 7:

Kim teaches the actual multimedia object durations are smaller than a preferred duration
(various times and with differing time durations; col.5, lines 23-41).

Allowable Subject Matter

6. Claims 3 and 4 are allowed.

Response to Arguments

7. Applicant's arguments filed on 05/18/2005 have been fully considered but they are not persuasive.

The Examiner believes that the combination of Kim, Graf, and Zarros meets the limitations as claimed by Applicant.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Graf. U.S. Patent No. 6,085,221 issued: Jul. 4, 2000

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on (571) 272-4090.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maikhanh Nguyen
May 30, 2005

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
May 31, 2005